

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 00-6273-CR-HUCK

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CLARENCE MADDOX
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UNITED STATES OF AMERICA,

Plaintiff,

vs.

ARIEL HERNANDEZ, et al.,

Defendant,

_____ /

**DEFENDANTS HERNANDEZ AND TRENTACOSTA'S RENEWED EX-PARTE
MOTIONS FOR APPROVAL OF INVESTIGATIVE FEES AND COSTS**

THE DEFENDANTS, **ARIEL HERNANDEZ and ANTHONY TRENTACOSTA**, by and through the undersigned counsel, respectfully renew their previously filed, Ex-parte Motions for Approval of Investigative Fees and Costs, and in support thereof would state:

1. Defendants Hernandez and Trentacosta, as well as Silverman filed various motions requesting approval of investigative fees and costs. Thereafter, pursuant to this Court's Order of Reference, those motions were heard by Magistrate Judge Brown.

2. On or about March 15, 2001, Magistrate Judge Brown entered a Sealed Report And Recommendation Re: Ex-Parte Motions For Costs (Copy attached). As a result of this hearing, Defendants Silverman and Trentacosta were granted \$1,000.00 each for investigative fees. Hernandez was authorized to spend \$5,000.00 for this purpose.

3. Magistrate Judge Brown's Report and Recommendation specifically noted that "Defendant Hernandez' case involves the possibility of the death penalty." Subsequently, the Government has indicated that it will not seek death as a possible penalty. Therefore, before further costs are incurred



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on behalf of Defendant, Hernandez, the undersigned requests that this Court enter its Order specifically authorizing the expenditure of funds for investigative fees and costs for what is no longer a possible death penalty case and hereby adopts and realleges the grounds previously stated in earlier pleadings.

4. Defendant, Trentacosta, submits that the heretofore allocated funds have been exhausted and requests that this Court authorize further investigative fees and costs and in support thereof he also adopts and realleges the grounds previously stated in earlier pleadings.


WHEREFORE, the Defendants, Hernandez and Trentacosta respectfully renew their previously filed Motions for Approval of Investigative Fees and Costs

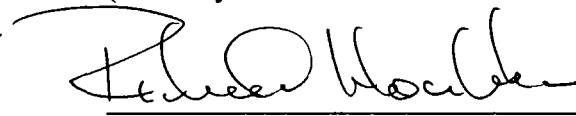
DATED this 21 day of JUNE, 2001.

Respectfully submitted,

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00-6273.rr1

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No. 00-6273 CR HUCK

UNITED STATES OF AMERICA,

Plaintiff,

vs.

FREDERICK MASSARO, et al

Defendant.

SEALED REPORT AND RECOMMENDATION
RE: EX-PARTE MOTIONS FOR COSTS

This Cause is before the Court on: (1) Defendant Silverman's Motion for Investigative Costs (D.E. 214); (2) Defendant Silverman's Motion for Authorization to Expend Funds to Obtain Essential Discovery Material (D.E. 215); (3) defendant Ariel Hernandez' Ex-Parte Motion to For (sic) Approval of Investigative Fees and Costs, filed March 2, 2001; (4) Defendant Ariel Hernandez's Ex-Parte Sealed Motion ..., filed March 5, 2001; (5) defendant Trentacosta's Second Motion for Approval of Discovery Costs, dated March 6, 2001; and (6) defendant Trentacosta's Ex-Parte 1 Motion for Approval of Investigative Fees and Costs, filed January 17, 2001.

This Court having reviewed the motions set a hearing for all defense counsel (whose motions were filed) to be heard regarding same and to attempt to have counsel work together regarding the possible elimination of some of the expenses. Argument of counsel was heard and considered. Counsel was instructed to make contact with the government to see if costs could be eliminated or reduced as it regards discovery materials being sought from the government. The Court also heard from Lucy Lara - the Court's "expert" on permissible fees allowed under 18 U.S.C. §3006A.

The Court being otherwise fully advised, it is hereby **RESPECTFULLY RECOMMENDED** as follows:

1. Defendant Silverman's and Trentacosta's (2) motions for investigation fees be **GRANTED** to the extent that \$1000 be permitted for each defendant for the use of an investigator.

2. Defendant Silverman's and Trentacosta's motions for costs for discovery materials be **DENIED**, without prejudice to be renewed, if necessary, after a conference with the government regarding the providing of discovery.

3. Defendant Hernandez' case involves the possibility of the death penalty. As such different rules apply. Defendant Hernandez' motion for investigative fees and costs be **GRANTED** in the amount of \$5,000.00.

4. Defendant Hernandez' second ex-parte motion be **DENIED**, as it is subsumed in the prior motion.

5. All said rulings be made without prejudice to any of the defendants to seek further funds upon good cause shown.

The parties have ten (10) days from the date of this Report and Recommendation within which to serve and file written objections, if any, with the Honorable Paul C. Huck, United States District Judge for the Southern District of Florida. Failure to file objections timely shall bar the parties from attacking on appeal the factual findings contained herein. LoConte v. Dugger, 847 F.2d 745 (11th Cir. 1988), cert. denied, 488 U.S. 958 (1988).

DONE AND ORDERED this 15th day of March, 2001 at Miami, Florida.


STEPHANIE T. BROWN
U.S. MAGISTRATE JUDGE

cc: Honorable Paul C. Huck
Richard Houlihan, Esq.

Samuel Deluca, Esq.
Jeffrey Weinkle, Esq.
Donald Spadero, Esq.
Michael Smith, Esq.
Fred Haddad, Esq.
Albert Levin, Esq.
Thomas Almon, Esq.
Manuel Gonzalez, Esq.